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PATENT
U.S. Ser. No. 09/671,960

REMARKS

In response to the Official Action mailed January 28, 2004 Applicant respectfully requests that the Examiner reconsider the rejection of the claims in view of the following comments set.

Claims 1-9 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,640,248 to *Jorgensen* (hereinafter the "*Jorgensen* reference"). Applicant respectfully traverses these rejections.

Anticipation rejections under 35 U.S.C. § 102 require identity of invention. In other words, the Examiner has the burden of identifying, *prima facie*, each and every feature of each and every claim rejected as anticipated in a single prior art reference. The Examiner has failed to meet this burden with regards to the anticipation rejections of Claims 1-9, since each and every claimed feature has not be identified in the *Jorgensen* reference.

Contrary to the Examiner's assertion, the *Jorgensen* reference does not disclose a medium access control (MAC) layer comprising a hardware layer and a software layer, the hardware layer being configured to perform time-critical tasks and the software layer being configured to perform non-time critical tasks. Time critical tasks performed by the hardware portion include, for example, the transmission of sequences of multimedia protocol data units. Less time critical tasks, preferably performed in software, include, for example, management operations, timing generation, segmentation, and retry rule implementation.

Instead, the *Jorgensen* reference teaches a system in which a MAC layer includes a resource allocator which allocates bandwidth resources to applications running on workstations at higher levels of a network architecture, based on application type (See, for example, the *Jorgensen* reference, Abstract, Lines 1-5, and Col. 22, Lines 20-24). In other words, as shown in FIGURE 4 of the *Jorgensen* reference, MAC layer 414a-414b allocates resources at applications layer 425, which is higher up the protocol. Furthermore, the *Jorgensen* reference specifically states that the bandwidth

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resource being allocated is *wireless* bandwidth, rather than time-critical and non-time critical tasks being performed at the MAC layer. (See, for example, the *Jorgensen* reference, Abstract, Lines 11-12 and 21-22, and Col. 22, Lines 43-54).

Given that the *Jorgensen* reference does not disclose the identical subject matter claimed by Applicant, the anticipation rejections of Claim 1-9 under 35 U.S.C. § 102(e) cannot be maintained, and Applicant therefore respectfully submits that Claims 1-9 are therefore in condition for allowance.

No new matter has been added; the claims have been merely amended to more particularly point out and distinctly claim the subject matter Applicant believe is inventive.

Applicant respectfully submit that the Claims as they now stand are patentably distinct over the art cited.

Applicant respectfully requests a Second Month Extension of Time to File this Response. Enclosed with this report is Form PTO/SB/22 with Extension Fees in the amount of \$420.00 as reflected on the PTO/SB/17 Fee Transmittal.

Also, the Commissioner is hereby authorized to charge any other fees or credit any overpayment to Deposit Account Number 20-0821.

If the Examiner has any questions or comments concerning this paper or the present application in general, the Examiner is invited to call the undersigned at (214) 969-1749.

Respectfully submitted,
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